

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
Regular Session: NOVEMBER 13, 2006
AGENDA
7:30 p.m. – Roll Call

PRELIMINARY MEETINGS:

1. **ROSEMARY QUERCIA (06-59)** Request for an Interpretation and/or Use Variance for a single family home with two kitchens at 758 Blooming Grove Tpk. in an R-4 Zone **(49-5-15)**

PUBLIC HEARINGS:

2. **JOHN PIZZO (06-52)** Request for:

8,687 s.f. Minimum Lot Area
8ft * 15 ft * 5 ft. Front Yard Setback (Three Front Yards)
33% Developmental Coverage

For proposed New Office Building at the corners of Temple Hill Rd., Little Britain Rd. & Rt. 207 in a PO Zone **(4-3-8)**

3. **MORONEY'S CYCLE SHOP (06-53)** Request for:

3.365 Acres Minimum Lot Area	20 ft. Rear Yard Setback
46 ft. Side Yard Setback	12 ft. Building Height
62 ft. Total Side Yard Setback	0.4% Developmental Coverage
50 Parking Spaces	

For proposed New 4,950 s.f. building on Union Ave. (Rt. 300) in a C Zone **(4-1-9.22 & 9.23)**

4. **COPPOLA ASSOCIATES (for Douglas Crana)** Request for:

36,560 s.f. Minimum Lot Area	5 ft. Side Yard Setback
55 ft. Minimum Lot Width	26 ft. Rear Yard Setback
26 ft. Front Yard Setback	

For Proposed Single Family home at 22 Cedar Avenue in an R-4 Zone **(13-8-12)**

5. **COPPOLA ASSOCIATES (for Arthur Glynn)** Request for:

36,560 Minimum Lot Area	5 ft. Side Yard Setback
55 ft. Minimum Lot Width	10 ft. Total Side Yard Setback
26 ft. Front Yard Setback	22 ft. Rear Yard Setback

For Proposed Single Family home at 20 Cedar Avenue in an R-4 Zone **(13-8-11)**

FORMAL DECISIONS:

BREHENY (06-29)
CALLANAN (06-24)

SKINNER (06-32)
MC HUGH (06-31)

THOMAS (06-33)

November 13, 2006

1

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

NOVEMBER 13, 2006

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KIMBERLY GANN
KATHLEEN LOCEY
ERIC LUNDSTROM
PAT TORPEY

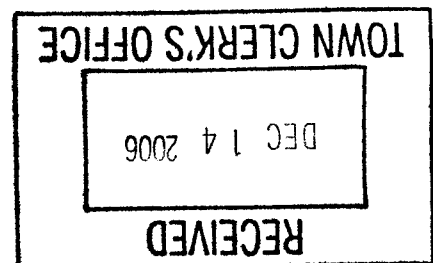
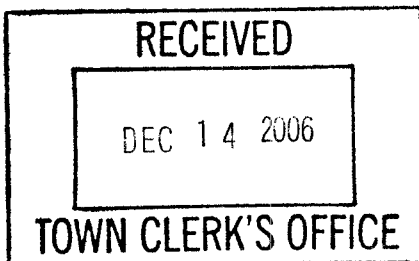
ALSO PRESENT: ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: MICHAEL BABCOCK
BUILDING INSPECTOR

REGULAR MEETING _____

MR. KANE: I'd like to call to order the November 13,
2006 meeting of the New Windsor Zoning Board of
Appeals.



PRELIMINARY_MEETINGS: _____

ROSEMARY_QUERCIA_(06-59) _____

MR. KANE: Request for an interpretation and/or use variance for a single family home with two kitchens at 758 Blooming Grove Turnpike.

Ms. Rosemary Quercia appeared before the board for this proposal.

MR. KANE: Stand right up here, state your name, speak loud enough for this young lady over here to hear you and tell us what you want to do.

MS. QUERCIA: My name is Rosemary Quercia and I'd just like to make my house a legal single family with two kitchens.

MR. KANE: So you want to have two kitchens in the house. What we do in New Windsor we use a preliminary meeting so we can get an idea of what you want to do. And if there's something you need to bring that you will have that when we have a public hearing. Any decision that we make has to be done in a public hearing. Sometimes you do everything on one day and if you don't have the right stuff, you lose, that's why we do a two part system here. As far as the second kitchen, single meter for electric and gas coming into the home?

MS. QUERCIA: Yes.

MR. KANE: And the intent of the kitchen is to always use that as a single-family home, never as a rental space or anything?

MS. QUERCIA: No. When we moved up here in '78, my grandparents were with us and they lived downstairs, then they passed away, then my father he was sick for a

while then he passed away, so it's just me and my mother right now and we don't even really use it.

MS. GANN: So it's an existing second kitchen?

MS. QUERCIA: Yes, exactly.

MR. KANE: Again, the second kitchen has been around for a long time. Part of what they're doing in New Windsor is to get everything on file so people don't turn around and rent it out. That's why we look at those issues there. Second kitchen located in the basement?

MS. QUERCIA: Yes, downstairs.

MR. KANE: Is there a lockable door coming from upstairs to downstairs?

MS. QUERCIA: No.

MR. KANE: Wide open?

MS. QUERCIA: Yeah.

MR. KANE: Okay, pretty straightforward. Any other questions? I'll accept a motion.

MS. GANN: I'll make a motion that we set up Rosemary Quercia for a public hearing for request for interpretation and/or use variance for a single-family home with two kitchens at 758 Blooming Grove Turnpike in an R-4 zone.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE

November 13, 2006

4

MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: So what's going to happen is follow the directions on this sheet, you're going to come back to a public hearing once all of this is completed and we'll go through the formal portion of it.

MS. QUERCIA: Thank you.

PUBLIC_HEARINGS: _____

JOHN_PIZZO_(06-52) _____

MR. KANE: Request for 8,687 square foot minimum lot area, 8 ft, 15 ft. and 5 ft. front yard setback (three front yards) and 33% developmental coverage for proposed new office building at the corners of Temple Hill Road, Little Britain Road and Route 207.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. KANE: Is there anybody in the audience for this particular hearing that might want to speak? No, okay. Let the record show that we did receive one e-mail and I'll read it, it says to the planning board but it's to the zoning board. I am unable to attend tonight's meeting due to my being on the emergency shift tonight. My concern is about the proposed plan for property across the street from Flannery Animal Hospital, one is the drainage from the new property into the culvert, the location of the driveway into the proposed building increasing traffic at the hospital entrance, visibility of the hospital may be affected creating concerns in emergency situations when critical cases are being transported.

MR. SHAW: Thank you. If you don't mind, I'd like to read into the record the statement that went with the application which supports our variance application. It may take a minute but I think it's well worth going through it cause I think it clearly outlines and supports our case. John Pizzo Enterprises, LLC owns a 34,873, square foot vacant parcel of land located between Temple Hill Road, New York State Route 207 and Little Britain Road which is also New York State Route 207. The subject parcel is within the professional office zoning district. It is the only parcel within this district as it abuts the OLI which is the lands of

the City of Newburgh, the R-4 zone which is the Flannery Animal Hospital and the PI zone which is the H-Z Development Corporation/Warren Sloan/Temple Duggan & Crotty Hill Company. John Pizzo Enterprises, LLC presently has a site plan application before the New Windsor Planning Board to construct a small 3,300 square foot building on the property. Associated site improvements will consist of a highway entrance, 24 parking spaces, a refuse enclosure, landscaping and lighting. The construction of this office will require three area variances. These variances are for a minimum lot area of 8,637 square feet, a minimum front yard depth of 8 feet, 15 feet and 5 feet for above three referenced highways and a development coverage of 33 percent. The first variance minimum lot area is for a lot that presently exists and more than likely preceded New Windsor zoning ordinance. The deficiency is an existing non-conforming condition which should not require a variance. As it has been the Zoning Board of Appeals policy to request a variance for non-conforming conditions such as this, this variance has been incorporated into the application.

The second variance is for a front yard depth with the minimum setback distance being 45 feet. Because the property has road frontage on Temple Hill Road, New York Route 207 and Little Britain Road, there are three front yard depths thus requiring three front yards variances. The variances are 8 feet for Temple Hill Road, 15 feet for New York State Route 207 and 5 feet for Little Britain Road. The need for three variances is a direct result of having three front yards and the unique geometry of the parcel neither of which was self-created. Because the property has three front yards, it is not possible to eliminate the variances by some other feasible method. The three variances are not substantial, again, 8 feet, 15 feet and 5 feet when considering that the size of the building is quite small at 3,300 square feet. In order to comply with the 45 foot front yard depth without a variance assuming construction of a structure of only

60 feet in length, the maximum building depth would be 20 feet, thus a 1,200 square foot building which is not economically feasible or practical. The character of the neighborhood would not be affected as the bulk of the adjacent land is owned by the City of Newburgh which is undeveloped and the Flannery Animal Hospital. This statement is also supported by the fact that opposite Temple Hill Road are two lots that are used for offices. These two lots are smaller in size than the Pizzo property at 25,000 square feet and 27,500 square feet.

The final variance is for development coverage as 20 percent is allowed and 53 percent is requested. Because of the small size of the parcel which is a result of the three New York State highways, it's not feasible to limit development coverage to 20 percent. To do so would restrict development coverage to 6,974 square feet which represents total building area, parking area, aisles and sidewalks. To comply with the 20 percent, the building would have to be reduced to approximately 1,200 square feet which again would make it impractical to build. Because the Pizzo property is the only parcel in this zone, because it abuts three other zones, OLI, PI, R-4 and because over 50% of the abutting parcels are undeveloped, a statement can be made that granting development coverage will not produce an undesirable change in the neighborhood, and that will not have an adverse affect or impact on the physical or environmental conditions of the neighborhood. There is no other method that John Pizzo Enterprises, LLC can feasibly pursue other than the variances sought in this application. In view of all the facts and circumstances presented to this board, the applicant respectfully requests that the variances sought be granted.

MR. KANE: At this point, I've had a couple other people come in so I'll just ask if there's anybody here for the Pizzo application that wishes to speak? Okay, so what I'm going to do at this point is open the

public portion of the meeting and close it since nobody's here and ask Myra how many mailings we had.

MS. MASON: On November 1st, I mailed out 12 addressed envelopes and had one response read into the minutes.

MR. KANE: Response was read into the minutes. Could you just address those issues in this response?

MR. SHAW: I met with Dr. Puccio this week, last week I should say he was and is a client of mine and as a courtesy to him, he asked if he could come to the office and go over this application and the issues that we've presented to you. I guess I kind of educated him on when I told him with respect to the storm drainage that we're draining into a New York State DOT culvert and we have submitted drawings and drainage report to the DOT showing that there is no more drainage running off our site after development and before, we're putting in an on-site storm water detention system and that's a planning board issue but certainly worthy of a response to Dr. Puccio and this board. With respect to the entrances, we have no control over it. The DOT will not let us come off Temple Hill Road, this portion of New York State 207 is one way therefore we're coming off Old Little Britain Road and they're going to want to be as far away from the intersection as possible to avoid any possible accidents. We're not opposite his highway entrance, we're offset it, so that seemed to satisfy him and with regard to the third comment, I can't even begin to address it.

MR. KANE: And I think the third comment is a non-issue having seen his building and how far off it is, there's nothing that's going to block it, this is also a one story buildings that's going up.

MR. SHAW: One thing I'd like to point out this is a very visual site and the planning board has let us know that very clearly and when we return back to the board

assuming that we get the variances they are going to request that we do a rendering of the building and the landscape along here, this is a historical district and being as visual as it is they're going to want to make sure that it's done right. So I think the doctor will be happy.

MR. KANE: The normal question is cutting down any substantial vegetation and trees in the building of the new building?

MR. SHAW: No.

MR. KANE: You have already answered the question, just repeating it, as far as creating any water hazards or water issues we already discussed that.

MR. SHAW: No.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Any easements?

MR. KANE: Any easements running through the property?

MR. SHAW: No.

MR. KANE: Going to be on town water and sewer?

MR. SHAW: Correct.

MR. SHAW: I mentioned the size of the building that would fit on the plan according to zoning and that red box is what all that could be built 20 x 60 foot building without requiring any variances, it's quite a unique piece.

MR. KANE: Let the record show there's more than enough parking spaces too. So any further questions from the board?

MR. LUNDSTROM: Visually what would you consider the front of the building facing 207 or Temple Hill?

MR. SHAW: I would think it would be the intersection of Old Little, this is my opinion now, the intersection of Old Little Britain Road and Temple Hill Road, I would think that this would be the front of the building. But that's my guess. That's an architectural issue, okay, but if I had to make the bet that's where I think the front elevation would be with the one-way traffic on 207 being the rear.

MR. TORPEY: It's a shame you can't shape the building the size of the property.

MR. SHAW: It would be very small offices.

MR. TORPEY: Put a high-rise.

MR. SHAW: Well--

MS. LOCEY: Where will the entrance be in relation to the driveway that goes into the Flannery Animal Hospital?

MR. SHAW: As best as we can determine, Dr. Puccio and I sat and talked together, it was approximately in this area, it's just I told him to go to this culvert when he wanted to physically go in the field, go to this culvert that crosses the road and look to where his entrance is and then compare it to ours. So he's more towards the east than we are.

MR. KANE: Any other questions? I'll accept a motion.

MR. LUMDSTROM: Mr. Chairman, I will offer a motion that the application of John Pizzo three items requested for 8,687 square foot minimum lot area, number 2 is an 8 foot, 15 foot and 5 foot front yard

November 13, 2006

11

setback because there are three front yards and third item would be 33 percent development coverage, motion is that that application be approved.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MORONEY'S_CYCLE_SHOP_(06-53)

Mr. Gregory Shaw appeared before the board for this proposal.

MR. KANE: Request for 3,365 acres minimum lot area, 46 foot side yard setback, 62 foot total side yard setback, 50 parking spaces, 20 foot rear yard setback, 12 foot building height and 0.4% developmental coverage for proposed new 4,950 square foot building on Union Avenue (Route 300). Anybody here for this particular hearing on Moroney's? Okay, you're on, Greg.

MR. SHAW: Thank you. Again, I'd like to read this into the record, please. In 1993, Moroney's Cycle Shop made an application to the Zoning Board of Appeals for selected area variances. At that time, the property was located in the C zone, designed shopping, which has a retail use, required a minimum lot area of 40,000 square feet along with associated setbacks from property lines. On October 25 of 1993, the Zoning Board of Appeals granted four area variances for Moroney's Cycle Shop for side yard setback-one, side yard setback-both, building height and parking spaces. In the years following the granting of these variances, New Windsor created in their zoning ordinance a classification of motor vehicle sales by which by their definition included motorcycles. This new classification requires a minimum lot area now of five acres along with associated setbacks from property lines commensurate with the larger lot area, thus the need for seven area variances from the zoning board of appeals. James Moroney owns 1.076 acres of land on Union Avenue which is the home of Moroney's Cycle shop. Immediately north of Moroney's Cycle Shop is a 0.559 acre parcel which is owned by Patrick Moroney. It is the Moroney family's intention to merge the two parcels into one 1.635 acre parcel and construct a 4,950 square foot building on the northerly portion of the combined parcels. This building would be used for certain

manufacturing lines such as Honda and Suzuki that presently operate out of Moroney's Cycle Shop building. As the majority of the 0.559 acre parcel is surfaced with macadam pavement, the new site improvements will solely consist of 23 parking spaces and site lighting. And then following that, I listed the seven variances that which is required and the variances we required, there's no need to go through them. The need for variances one through five which is minimum lot area, side yard setback-one, side yard setback-both, rear yard setback and maximum building height is a direct result of New Windsor revising the zoning ordinance to increase the minimum lot area from 40,000 square foot to five acres, along with the associated setbacks. The fact that New Windsor changed the zoning to make the property non-compliant does not mean that there will be a change in character of the neighborhood nor will there be an adverse impact on the physical or environmental conditions in the neighborhood. Because the adjacent parcels are owned by other property owners and because the subject two parcels abut the Thruway, a statement can be made that there is no other feasible method for the applicant to pursue other than an area variance. The need for five variances was not self-created as they resulted from the revised bulk requirements for the new motor vehicle sales facility. Development coverage represents the surface area of the lot that's covered by building, parking area, accessory structures and any impervious material. Because the development coverage for the site will not be increased with the construction of the new building, variance number 6 development coverage can be considered an existing, non-conforming condition. As it has been the Zoning Board of Appeals policy to request a variance for non-conforming conditions such as this, this variance and variance number 7 have been incorporated into the application. The same argument of an existing non-conforming condition can be made for variance number 7 required parking area. Presently at the site there are 20 parking spaces and based upon the present

use of the existing property 71 spaces are required. This results in the existing deficiency of 51 parking spaces. It must be noted that a parking area variance for 26 spaces was granted by the Zoning Board of Appeals in 1993. The construction of the new 4,950 square foot building will require 22 parking spaces and the development of the site will generate 23 additional spaces thus, the deficiency in parking will not be increased. Actually, the existing deficiency will be decreased by one parking space after the combination of the two parcels and the creation of the 23 new parking spaces.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the new sales office?

MR. SHAW: No. I would just like to point out that not only are we not taking down any vegetation, we're not even adding any macadam, it's there, we're going to be cutting out an area of the macadam to place the building, stripe the macadam area, put up site lighting and whatever else the planning board may require and that's it.

MR. KANE: So that will also answer the question as to whether we're creating any water hazards or runoffs?

MR. SHAW: There's not going to be any additional storm water.

MR. KANE: At this point, once again, I will open it up to the public and ask if there's anybody here for Moroney's hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On November 11, mailed out 11 addressed envelopes and had no response.

MR. KANE: Any easements running through the area where

the new sales office is going?

MR. SHAW: No, not at all.

MS. GANN: Won't be any additional entryways into this new building?

MR. SHAW: No. As you ride passed and look at the facility now it's exactly what's going to be after the development, other than the construction of the two story building, that's the buildings that's going to be 70 feet by 40 feet.

MR. KANE: Any further questions from the board? I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of Moroney's Cycle Shop as listed on the agenda of November 13 Zoning Board of Appeals meeting.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. SHAW: Thank you. Good evening.

COPPOLA_ASSOCIATES_(FOR_DOUGLAS_CRANA)

MR. KANE: Request for 36,560 square foot minimum lot area, 55 foot minimum lot width, 26 foot front yard setback, 5 foot side yard setback and 26 foot rear yard setback for proposed single family home at 22 Cedar Avenue.

Mr. Anthony Coppola appeared before the board for this proposal.

MR. KANE: I'll ask if there's anybody here for this particular hearing? Okay, we're going to send somebody out just to get your name and address so this young lady has it. Okay? When I open up the public portion of the meeting then you'll be able to ask whatever questions. There's only two of you so I'm not going to worry about being repetitive.

MR. COPPOLA: Along those lines, I'm going to present it as if it was one project but--

MR. KANE: So that the people in the audience that are here for this meeting what we're going to do is that actually number 4 and 5 on the agenda are basically the same presentation so he's going to make that presentation in one shot then we're going to take our vote and our questions as a separate thing. Okay?

MR. LUNDSTROM: Would you identify yourself and your relationship to this applicant?

MR. COPPOLA: My name is Anthony Coppola, I'm the architect who's prepared the drawings. The first thing I will say we're dealing with two existing, pre-existing parcels at the corner of Clancy and Cedar. There are two existing owners, the lot on the corner which is I'm going to call it lot 12 out of that section, block and lot that lot is owned by Doug Crana and lot 11 is owned by Art Glynn, so there's two

separate owners, two separate lots, they're pre-existing lots.

MR. LUNDSTROM: Are those owners in the audience?

MR. COPPOLA: Yes. Doug owns the corner lot, Art owns one in from the corner. Both lots are 70 foot wide by 100 feet deep. What we're proposing to do is to remove an existing trailer house which straddles the two lots, we have given photos of that but the approximate location of that trailer house is right in the middle of the two lots, kind of along the rear lot line off Cedar and we're removing that existing single-family house and we're constructing two single family homes, one single family home on lot number 12, one single family home on lot number 11. We're planning on basically constructing a house similar to this which we'll submit a picture.

MR. KANE: Yes, if you could show--

MR. COPPOLA: This is a house in style similar to what we're proposing to do, it's a 1,700 square foot Cape Cod style house, it would be what we would call a one and a half story, probably end up with living room, kitchen, family room, dining room on the first floor and two bedrooms upstairs. So the footprint of the house of each of these houses is 40 feet wide and 27 foot four inches deep. The one house on the corner, the corner lot that has the facade that you see here will be oriented towards Clancy. There's no garage in either of these houses, just a driveway, porch and the house. And the other proposed location for the house for the lot that's lot number 12, I'm sorry, lot number 11, the lot that's up Cedar would basically front Cedar so that driveway would be off Cedar and like I said the one on the corner would be off Clancy. These are two existing, non-conforming lots, they were created in the zone prior to the zoning ordinance that's in place now. The lots are 70 feet wide by 200 feet deep. The lots

are probably similar to other lots in that area, although this is an area where I think you find a lot of different size houses and a lot of different size lots but I don't think that these lots are unusual for that area. Certainly find lots of this size fairly close in and around this area. Same thing with the house size, we feel we're not proposing something that's huge or overblown or oversized, we're basically proposing something that's small, that's proportionate to the houses that are in the neighborhood and that's appropriate for these two existing lots. The houses are going to be similar but not identical so we'll do this style house and vary it in some way so we don't have two identical houses right next to each other. What we're asking for in terms of the variances are almost the same but not exactly the same because of the orientation and because the corner lot has two front yards but basically what we have done is set both houses back from Cedar so that those front yards, the front yard on Cedar is a conforming setback so that basically would be conforming and that it's the other setbacks that essentially we're asking for after that. So on the corner lot, the other front yard is 19 feet off Clancy and the rear yard is 24 feet and side yard is 20.

MR. KANE: On lot 12 to keep the 45 foot setback from Cedar Avenue to the building is going to require you to get a five foot side yard setback variance?

MR. COPPOLA: The side yard?

MR. KANE: Yes, to the left.

MR. COPPOLA: That's right, correct, to the left so yes, that is correct, the side yard is allowed to be 20 and we're providing 15, that's that.

MR. KANE: But in doing that enables you to keep the 45 foot front yard setback?

MR. COPPOLA: That's correct. And then on the lot 11 that's also similar, we're providing a conforming front yard setback and then the two side yards there for lot 11 are also 15 foot each so there's five foot setback on each of those sides and then the rear yard is required to be 50 and we're providing 28.

MR. KANE: Let the record also show that you're going to be on town water and sewer.

MR. COPPOLA: Yes, both lots will be on municipal services for that, that's correct.

MR. GLYNN: And gas.

MR. COPPOLA: Also gas. And that's essentially it. We're, I mean, the lots are undersized, I believe it's one acre zoning there so the lots are 7,000 square feet each and the lot width is also part of the variance request. That's essentially it.

MR. KANE: And I believe this is doing, this is an improvement for what's existing on those sites currently.

MR. COPPOLA: Yes, we believe that the removal of that existing trailer home which is probably non-conforming in certain aspects makes certainly two new houses or improves that non-conforming condition situation and we believe that it enhances the neighborhood.

MR. KANE: The current house size that you're suggesting to go onto these lots are similar in nature to other homes that are on those lots?

MR. COPPOLA: Yes, we believe that it would be certainly on the small side that's a mixed neighborhood, you find some older homes that were original to that area which are comparable to this

square footage, the 1,700 square footage. There may be some existing houses that are under that, there's certainly existing houses and some newer houses that are over the 1,700 square foot so we--

MR. KANE: So you're really not changing the character of the neighborhood.

MR. COPPOLA: No, we don't believe we are.

MR. LUNDSTROM: One question, Mr. Chairman, on the proposed development, the proposed houses that are going there, is there any areas where you would see in the future a need for a deck to go on in addition to the development area?

MR. COPPOLA: Yeah, that's actually a good question because that thought ran through my head. I believe it's possible but not probable because it's a basically it's a flat lot and I believe that you could go without decks but just providing a patio, although that wouldn't, you know, get away from the fact that somebody in the future may come back to this board if they wanted a deck, but that's not a part of our request tonight.

MR. LUNDSTROM: My question is directed basically so that we don't end up with a house, a structure where you've got a double patio door which is 20 feet above ground level.

MR. COPPOLA: No, these will be within two feet of grade and then you just do a simple platform down three steps and you're on your patio. So I believe that's the intention of what we would do, hopefully if these houses are approved and developed, that's our intention.

MR. KANE: Any other questions for the moment? Any easements running through those two properties?

MR. COPPOLA: No.

MR. KANE: At this point, I will open it up to the public and if you have any questions please come on up, ask whatever question you have, just state your name and your address and speak clearly for the young lady over there.

MR. BABCOCK: John Babcock, I live on 12 Blanche Avenue and first I want to say I'm not, I don't object to it, just have some concerns as to what they're going to do on those parcels. Number one, we're glad to see the trailer get out of there, I believe we have too many trailers over in Clancyville anyway or City Park. I want to know I couldn't quite hear which way the homes are going to be facing, are both homes facing Cedar Avenue?

MR. COPPOLA: No, the corner lot, the house on the corner is facing Clancy so the front of the house will face Clancy. The second house faces Cedar.

MR. BABCOCK: The reason being if you're facing both the same way you don't have enough room to put them both facing Cedar Avenue, correct?

MR. COPPOLA: Well, I think they look more identical and--

MR. KANE: One of the questions we asked is that line of house going down, it's not going to stick any further out, so what they chose to do was keep this a straight line.

MR. BABCOCK: That's my point, my point is is the house on Cedar going to be in line with the existing house that's next to that parcel?

MR. COPPOLA: Yes.

MR. BABCOCK: The first house as you come up on, no, that's on Clancy, this house right here is the house that's going to be on Cedar Avenue line up with that house?

MR. COPPOLA: I believe that house is a little closer to the road than what we're showing.

MR. BABCOCK: I'm looking aesthetically what it's going to look like on Cedar Avenue.

MR. KANE: The existing home may be a little closer to the road than these cause they're older homes and the offsets have changed so they're keeping their 45 foot front yard which is new.

MR. BABCOCK: Now, my question is the house that's going to face on Clancy are you going to line up with that existing house on Clancy?

MR. COPPOLA: Yeah, that one visually would be more in line with the house on Clancy.

MR. BABCOCK: See again because when you come over Clancy Avenue and the first house that's already there the old Gerbis home you build a new one if it's set back it's going to look, aesthetically it won't look pleasing, okay. 1,700 square feet?

MR. COPPOLA: Yes.

MR. BABCOCK: Two story?

MR. COPPOLA: One and a half story cause your second floor is within the roof.

MR. BABCOCK: My question was that trailer I saw the picture, now the other question is the tax map, does that show that as being two separate parcels of land?

MR. COPPOLA: It's two parcels, two owners, two separate tax parcels.

MR. BABCOCK: Originally was one owner, Gerbis owned it, how did it become two separate parcels?

MR. COPPOLA: I can't speak to that.

MR. KANE: It's really not part of what our hearing is here for right now, we don't have that but if you know the answer.

MR. GLYNN: Yeah, always was two parcels, Gerbis, Frank's parents owned it as two parcels.

MR. KANE: May have owned it but it's two separate parcels, we're not looking for any kind of division here or anything.

MR. BABCOCK: Is the house going to have a full foundation under it?

MR. COPPOLA: Yes.

MR. BABCOCK: Not a slab on grade?

MR. COPPOLA: No, it will be a frame, frame floor.

MR. BABCOCK: I have no other questions.

MR. KANE: Thank you. Miss?

MR. BABCOCK: Excuse me, I think it will improve the neighborhood, I think we need more of that. Thank you.

MS. CONSTANCIO: Nicole Constancio, I live on 6 Clancy Avenue.

MR. LUNDSTROM: Would you please come forward so the

stenographer can get everything?

MR. KANE: And he's old.

MS. CONSTANCIO: I live on 6 Clancy Avenue, my husband and I, which he could not be here tonight. And I met these gentlemen just before the meeting tonight and I'm very happy that they're going to be getting rid of the trailer, we're new to the area, we just bought the house in March, so we're very happy for the improvements. My one question if it's approved when would you guys start construction?

MR. COPPOLA: I'll let these gentlemen answer that.

MR. GLYNN: We have to go through getting building permit and then we're going into winter, it's going to probably be spring and we have to remove the trailer just that's we have to go, it depends on the weather really.

MR. LUNDSTROM: Can we ask for the person who answered that question to identify himself for the record?

MR. GLYNN: Arthur Glynn.

MS. CONSTANCIO: The other question I had was there's quite a few trees that are around that property, are they going to be removed?

MR. COPPOLA: I don't think they will be because they are actually the row on, there's a row on I think on the property line between ours and this lot.

MR. GLYNN: Could I speak on that one too? Our intention cause they're such nice trees that property is so nice to leave them all.

MS. CONSTANCIO: This is me.

MR. COPPOLA: These can stay cause that--

MR. KANE: So I will ask that question now, you're not cutting down substantial trees or vegetation?

MR. GLYNN: Hopefully not any of them and they're all around the outer perimeter which is great, it's a nice flat lot.

MS. CONSTANCIO: You answered the question regarding the driveways. And the only other question I had I don't know if this is appropriate for this type of meeting if there's any damage to other property from the construction is that something that usually happens or--

MR. COPPOLA: Usually the building department enforces that, I believe.

MR. KANE: Yeah.

MS. CONSTANCIO: We just put up a really nice fence, I just wanted to make sure. That's all I have and I'm very thankful that the area is going to be improving more.

MR. KANE: And you're in favor of it?

MS. CONSTANCIO: Definitely.

MR. KANE: Thank you. Anybody else for this particular hearing?

MR. BABCOCK: John Babcock again. Just one other question. Are these houses being built on spec to be sold or are they going to be rentals?

MR. COPPOLA: No, they're, the intention is to sell them as single family.

MR. BABCOCK: We're concerned about rentals because of--

MR. GLYNN: No intent to rent.

MR. COPPOLA: We talked about the fact that a rental would not be economically viable for this type of thing.

MR. BABCOCK: Thank you.

MR. KANE: Any other questions? Last chance. We'll close the public portion of the meeting, ask Myra how many mailings we had.

MS. MASON: Do both of them?

MR. KANE: What we're going to do with the mailings at this point let's go with just lot 12, Mr. Crana.

MS. MASON: On November 1, I mailed out 71 envelopes, had no response.

MR. KANE: Okay, for the board on lot 12 for Douglas Crana, any further questions? We asked no easements, we asked about trees, vegetation, not creating any water hazards or runoffs.

MR. COPPOLA: No.

MR. KANE: We already noted town water and sewer. Okay, I'll accept a motion.

MR. TORPEY: I will make a motion that we grant Doug Crana and Arthur Glynn for their variances requested--

MR. KANE: We're going to do one at a time so let's keep that.

MR. TORPEY: I'll make a motion that we grant the

November 13, 2006

27

requested variance for Douglas Crana on his one lot.

MR. KANE: For lot 12 at 22 Cedar Avenue as written.

MR. TORPEY: Thank you.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

COPPOLA_ASSOCIATES_(FOR_ARTHUR_GLYNN)

MR. KANE: Request for 36,560 minimum lot area, 55 foot minimum lot width, 26 foot front yard setback, 5 foot side yard setback, 10 foot total side yard setback and 22 foot rear yard setback for proposed single family home at 20 Cedar Avenue. And this next one, as far as lot 11, you guys have the information, more than willing to open it up if you have any further questions on that. No? Okay, for lot 12, lot 11 rather Arthur Glynn's residence at 20 Cedar Avenue, Myra, how many mailings did we have?

MS. MASON: On November 11, I mailed out 70 addressed envelopes and had no response.

MR. KANE: Any further questions from the board? I'll accept a motion.

MR. TORPEY: I'll make a motion that we grant Arthur Glynn's request for proposed single family home at 20 Cedar Avenue in an R-4 zone.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. COPPOLA: Thank you.

FORMAL_DECISIONS

1. BREHENY
2. CALLAHAN
3. SKINNER
4. MC HUGH
5. THOMAS

MR. KANE: We have five formal decisions, we can take them in one vote if you please. I'll accept a motion.

MR. LUNDSTROM: I will so move, Mr. Chair.

MS. LOCEY: I'll second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

DISCUSSION

MR. KANE: One other thing before we leave Andy needed to speak to us.

MR. KRIEGER: I just wanted to make you aware that effective January 1 this coming January 1 it's now state law that every zoning board member has to have four hours of annual training and education. Now there are all kinds of, there's a long laundry list of ways in which this can be accomplished and I suggest that what you do is with it to hear from the town but there's seminars, Association of Towns, long distance learning, there are a whole bunch of things. The planning board members are going to have the same requirement on this so I would imagine that you can do something collectively.

MR. KANE: You can sign up, when we talked to George when you pay for the seminar, whatever, then submit a receipt and they'll reimburse coming back later, that's something we had worked out this year since that's now required and that was never required before.

MS. GANN: That's once a year?

MR. KRIEGER: Four hours per year. If you do more than four hours there's a provision that allows you to carry it over.

MR. TORPEY: Where do you pick up the seminars?

MR. KRIEGER: There's a long variety, the Planning Department, Planning Association of the State Association of Towns does it, periodically you see seminars coming through here.

MR. KANE: As I get them too because I get a lot of mailings I'll bring them in and show everybody. Motion to adjourn?

November 13, 2006

31

MR. LUNDSTROM: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer